IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Criminal Application No.3280 of 2007

State of Maharashtra Applicant
Vs.
Josef B. Babtist Respondent

Mr.D.P.Adsule, APP for applicant-State.

CORAM: B.H.MARLAPALLE, J.

October 9, 2007.

P.C.

. Heard Mr.Adsule, the learned APP. The State has filed this application seeking leave to appeal against the order of acquittal passed by the learned Metropolitan Magistrate, 29th Court at Dadar, Mumbai on 7/7/2007 in C.C. No.2436/PW/2005 for the offence punishable under Section 325 of IPC.

. Though in all three witnesses were shown in the charge-sheet, the prosecution examined only the complainant and it preferred not to examine the panch witness as well as the Medical Officer. PW 1 - the complainant had claimed that the accused had picked her from behind and pulled her hair and when she fell on the ground, she injured her teeth. The defence

taken was specific and it was contended that she had herself fallen down while working in the garden (while watering the plants. There were 20 families in the building and on the floor of the complainant there were four families besides the family of the accused. It was admitted in the cross-examination that there used to be quarrels about watering of the plants between the complainant and the accused. As there was no evidence corroborating the story put up by the complainant, the learned Magistrate had no alternative but to dismiss the complaint.

. Under the circumstances, the reasoning set out by the trial Court in support of the order of acquittal does not warrant reconsideration at the hands of this Court and hence leave to appeal is refused and the application is rejected.

(B.H.MARL